



File Code: 1570 (218)  
17-01-00-0032

Date: **OCT 31 2017**

Cynthia Mason  
11673 North Boyer Road  
Sandpoint, ID

Dear Ms. Mason:

This letter is in response to your objection to the *Rock Creek Project Final Supplemental Environmental Impact Statement* (FSEIS) and draft *Record of Decision* (ROD) on the Kootenai National Forest. The Responsible Official, Forest Supervisor Chris Savage, and I as the Objection Reviewing Officer have read your objection and reviewed the FSEIS, draft ROD, and project record.

On October 11, 2017, the responsible official and I held an objection resolution meeting on the Rock Creek project. Several objectors participated in the meeting. While we were unable to resolve specific objection issues, we have changed the decision to be made.

Based on my discussions with the objectors and the responsible official, I have determined the responsible official will sign only that portion of a Final ROD that approves Phase I project activities. Presently, the draft ROD (June 2017) proposes the project proceed in two phases, with Phase II contingent upon a number of requirements being met by the project proponent, RC Resources, Inc. (RCR) and the Forest's evaluation of results from Phase I activities (draft ROD, heading 1.4 *KNF Decision and Rationale for Decision*). The responsible official may sign the ROD approving Phase II of project activities following the requirements of Phase II initiation being met, as described in the draft ROD (heading 1.4.1.2).

My specific concern for signing a phased Record of Decision is the level of uncertainty in the analysis, including the 3D modeling used to determine potential effects to surface water quantity. The analysis and project record disclose there exists a degree of uncertainty with the modeling and the assumptions used to reach conclusions regarding project effects to surface waters. I understand and agree with the approach to proceed with Phase I construction of the evaluation adit to the Rock Creek ore body, which will allow the project proponent to obtain additional hydrologic data to supplement the analysis presented in the FSEIS and project record. However, the responsible official should not approve a decision for both Phase I and II until project effects to surface waters are better understood.

Proceeding with Phase I construction of the evaluation adit to the Rock Creek ore body will generate additional hydrologic and geologic data relevant to making an informed decision regarding Phase II. The responsible official shall not approve a decision for Phase II of the project until the information generated during Phase I can be evaluated and a determination whether additional analysis is required is made.

For these reasons, I am instructing Supervisor Savage to issue a final ROD that will approve only Phase I project activities as outlined in the draft ROD. After Phase I is completed, and based



upon the additional data and analysis, Supervisor Savage will make a new decision regarding Phase II.

As specified at 36 CFR 218.11(b), I must provide a written response to your objections; however, this written response need not be point-by-point. This letter details my response to the objections raised to the Rock Creek SFEIS and draft ROD, based on my review of the project in accordance with 36 CFR 218, *Project Level Predecisional Administrative Review Process*.

**Issue:** You generally object to potential project effects to the Cabinet Mountains Wilderness and Lake Pend Oreille.

**Response:** The Wilderness Act stipulates how Federal agencies are to administer mineral activities within wilderness areas. Forest Service policy allows for the exploration and development of valid mineral rights in wilderness only after ensuring that mineral operations contain stipulations to protect wilderness character consistent with the rights of the mineral owner or operator, consistent with the Wilderness Act (FS Manual 2323.7). Forest Service policy is to preserve the wilderness resource to the extent possible: The project is designed to follow Wilderness Act requirements.

The FSEIS and project file contain a tremendous amount of information on project activities, potential effects, and planned mitigations designed to protect water quality. It is important to know the project is subject to state and federal water quantity and quality laws and regulations, including the Clean Water Act, and the project will not go forward until RCR obtains the necessary permits from the Montana State Department of Environmental Quality. The permitting process is intended to protect water quality, including in the Clark Fork River and Lake Pend Oreille, from unwanted effects of project activities.

**Conclusion:** My review finds the Forest Service has analyzed project activities and disclosed effects, and has complied with applicable law, policy, and the Forest Plan. As stated above, I have determined the responsible official will only approve Phase I of project activities. My review constitutes the final administrative determination of the Department of Agriculture; no further review from any other Forest Service or Department of Agriculture official of my written response to your objection is available (36 CFR 218.11(b)(2)). The responsible official may sign the Record of Decision to approve a Plan of Operations for Phase I of this project. A decision on whether to approve Phase II is held in abeyance but may be made once all requirements of Phase II initiation have been met, as described in the draft ROD (heading 1.4.1.2).

Sincerely,



David E. Schmid  
Deputy Regional Forester

cc: Ray G. Smith  
Chris Savage